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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,236	02/06/2002	Andrew P. Leamon	052555-5001-US	7701
28977	7590	02/10/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS LLP 1701 MARKET STREET PHILADELPHIA, PA 19103-2921			VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/068,236

Applicant(s)

LEAMON ET AL.

Examiner

Gregory J. Vaughn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/25/02</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Application History***

1. This action is responsive to the application filing, application filed on 2/6/2002.
2. Claims 1-23 are pending in the case, claims 1, 10, 16 and 18 are independent claims.
3. Acknowledgement is made to the applicant's submission of replacement drawings, filed 3/15/2002.
4. Acknowledgement is made to the applicant's submission of an Information Disclosure Statement, filed 7/25/2002.

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***Priority***

5. Applicant's claim for domestic priority of US provisional application 60/266,969, filed 2/6/2001, under 35 U.S.C. 119(e) is acknowledged.

***Specification***

6. The disclosure is objected to because of the following informalities:
- The disclosure recites "*independent application 52*" (page 4, paragraph 19; page 5, paragraph 21), in reference to Figure 2A. Reference sign 52 in Figure 2A is directed toward "*Partner Application*".
  - The disclosure recites "*shown as XHTML in Fig. 2A*" (page 4, paragraph 19). The referenced figure fails to show the limitation.
  - The disclosure recites "*shown here as XHTML*" in reference to Figure 4 (page 7, paragraph 25). Figure 4 fails to show the limitation.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

8. Claims 1-4, 6-12, 16-18 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Jiang et al. US Patent 6,741,853, filed 11/9/2000, patented 5/25/2004 (hereinafter "Jiang").
9. **Regarding independent claim 1**, Jiang discloses maintaining information about a computer language object. Jiang recites: *"The WPM 210 is a programmable platform, providing functionality and interfaces for implementing telecommunication services, such as voice mail, e-mail, and Personal Information Management (PIM), and Internet access services"* (column 6, lines 51-55), where Jiang defines "WPM" as *"Wireless Portal Middleware"* (column 6, line 45). Jiang discloses maintaining information about a browser object. Jiang recites: *"The WPM optionally encapsulates other servers to provide services that are not otherwise available in the*

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*communications networks, or are available but not integrated with other services. It will be obvious to one skilled in the art that servers may be added or deleted dependent on the type of service provided and the capabilities located elsewhere in the communications network. Namely, a cache server 740, voice browser 742"* (column 8, line 63 to column 9, line 3). Jiang discloses maintaining information about a device object. Jiang recites: *"The device manager 816 determines the device type a user is currently utilizing and maintains a device state table of the user, comprising the state of devices for active users"* (column 10, lines 18-20).

Jiang discloses receiving a request from the device over a global communications network. Jiang recites: *"FIG. 13 is a flow chart illustrating one embodiment in which the MS user requests user-dependent data"* (column 6, lines 15-16). Jiang defines "MS" as "Mobile Station" elsewhere in the disclosure. See also Figure 7, where the "MS" (shown at reference sign 718) is directly coupled to "Wireless Network" (shown as reference sign 710).

Jiang discloses identifying a device type, where the device type comprises a communication format, a browser type and a hardware type. Jiang recites: *"The PMS recognizes different wireless devices"* (column 8, lines 59-60). Jiang also recites: *"The form of location information retrieved from the location server 346 is dependent on the type of wireless communications network"* (column 7, lines 46-49). Jiang further recites: *"Referring back to FIG. 17, after the WPM determines device availability, the WPM determines the preferred device by selecting the highest priority device given the type of*

*message content, as in step 1716. If the message content is textual, then the preferred order is desktop, laptop, PDA, mini-browser enabled cellular phone, PSTN, and voice-only cellular phone" (column 19, lines 39-45).*

Jiang discloses retrieving the content in a standard markup language regardless of the device type. Jiang recites: *"Service providers and content providers generally provide information in a particular format, such as Hyper-Text Markup Language (HTML) or Wireless Markup Language (WML), without regard to the specific device on which the information is displayed"* (column 4, line 66 to column 5, line 3).

Jiang discloses retrieving a computer language object for the identified communications format. Jiang recites: *"The WPM 210 is a programmable platform, providing functionality and interfaces for implementing telecommunication services, such as voice mail, e-mail, and Personal Information Management (PIM), and Internet access services"* (column 6, lines 51-55). Jiang discloses retrieving a browser object for the identified browser type. Jiang recites: *"The WPM optionally encapsulates other servers to provide services that are not otherwise available in the communications networks, or are available but not integrated with other services. It will be obvious to one skilled in the art that servers may be added or deleted dependent on the type of service provided and the capabilities located elsewhere in the communications network. Namely, a cache server 740, voice browser 742"* (column 8, line 63 to column 9, line 3). Jiang discloses retrieving a device object for the identified hardware type. Jiang recites: *"Referring back*

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to FIG. 17, after the WPM determines device availability, the WPM determines the preferred device by selecting the highest priority device given the type of message content, as in step 1716. If the message content is textual, then the preferred order is desktop, laptop, PDA, mini-browser enabled cellular phone, PSTN, and voice-only cellular phone" (column 19, lines 39-45).

Jiang discloses reformatting the content to enable display of the content on the device and delivering the content. Jiang recites: "*The method comprises detecting the device type, adapting the content for the intended device, and delivering the information*" (column 5, lines 39-41).

10. **Regarding dependent claims 2 and 3**, Jiang discloses identifying the device type by reading codes embedded in the request (claim 2) where the codes are contained in header fields (claim 3). Jiang recites: "*to distinguish between a wireless laptop and a wireless PDA, the WPM evaluates the user agent type in the header of the HTTP, step 2016*" (column 20, lines 28-30).
11. **Regarding dependent claim 4**, Jiang discloses the use of a browser version. Jiang recites: "*The protocol header will specify the type of protocol, such as HTTP, WAP, and the like. The user agent type will indicate the type of browser, such as IE 5.0, pocket IE 2.0, WAPMAN, and the like*" (column 20, lines 49-53).
12. **Regarding dependent claim 6**, Jiang discloses WML as a communications format. Jiang recites: "*the application typically employ*



*different presentation formats, such as Hyper-Text Markup Language (HTML), Wireless Markup Language (WML), and Handheld Device Markup Language (HDML)" (column 1, lines 49-53).*

13. **Regarding dependent claim 7**, Jiang discloses the use of a voice browser. Jiang recites: *"The WPM optionally encapsulates other servers to provide services that are not otherwise available in the communications networks, or are available but not integrated with other services. It will be obvious to one skilled in the art that servers may be added or deleted dependent on the type of service provided and the capabilities located elsewhere in the communications network. Namely, a cache server 740, voice browser 742" (column 8, line 63 to column 9, line 3).*

14. **Regarding dependent claim 8**, Jiang discloses a wireless telephone in Figure 2 at reference sign 240.

15. **Regarding dependent claim 9**, Jiang discloses a hierarchy of computer language, browser and device objects in Figure 18, where the computer language object is represented by reference sign 1818 (shown as "On-Line Detection"). Jiang recites: *"on-line detection, either internal 1818 or external 1820, determines the state of a particular device" (column 18, lines 60-61).* Jiang also discloses in Figure 18 the device objects (shown as "Laptop Computer, PDA" etc). Jiang further discloses a top layer (shown as "On-Line Detection") with a lower level (shown as "Internal" or "External") where the lower levels inherit functionality from the upper level.

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16. **Regarding independent claim 10**, the claim is directed toward substantially the same subject matter as claim 1, and is rejected using the same rationale.
17. **Regarding dependent claim 11**, Jiang discloses reformatting for format translations. Jiang recites: *"As illustrated in FIGS. 13-15, the user invokes the one-click data entry service by entering either a known key sequence, a URL that the WPM intercepts and reformats, or a link that invokes a translation servlet in the WPM"* (column 14, lines 4-7).
18. **Regarding dependent claim 12**, Jiang discloses schema remapping. Jiang recites: *"The WPM maintains multiple profile schemas, designed to incorporate user preferences, network mobility patterns, administrative convenience, and network resource distributions. The Directory Service technology is the preferred embodiment to implement the profile schemas"* (column 11, lines 33-37).
19. **Regarding independent claim 16**, the claim is directed toward a system of the method of claim 1, and is rejected using the same rationale.
20. **Regarding dependent claim 17**, the claim is directed toward a system of the method of claim 9, and is rejected using the same rationale.
21. **Regarding independent claim 18**, the claim is directed toward a system of the method of claim 1, and is rejected using the same rationale.

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22. **Regarding independent claim 22**, the claim is directed toward a system of the method of claim 11, and is rejected using the same rationale.

23. **Regarding dependent claim 23**, the claim is directed toward a system of the method of claim 12, and is rejected using the same rationale.

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***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."*

25. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang in view of Yarvin US Publication 2003/0189,593, filed 1/5/2001, published 10/9/2003.

26. **Regarding dependent claim 5**, Jiang discloses a device aware Internet portal that maintains data sources of interface objects, where the portal, upon receiving a request for information, will identify and retrieve an interface, retrieve standard markup language data associated with the request, reformat the data for use by the interface, and deliver the reformatted data. Jiang discloses a standard markup language as WML, as described above. Jiang fails to disclose the standard markup language as XHTML. Yarvin teaches that WML and XHTML are equivalent standard markup languages. Yarvin recites: *"In a browser environment, a straightforward way to build an application UI is to define the UI in the browser's native markup language, such as extensible HTML (XHTML) or WML"* (page 1, paragraph 3).

Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made to use XHTML as a standard markup language as taught by Yarvin with the device aware internet portal of Jiang in order to provide a *"method of dynamically updating a user interface in a processing system"* (Yarvin, page 1, paragraph 7).

27. Claims 13-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang in view of Himmel US Patent 6,167,441, filed 11/21/1997, patented 12/26/2000.

28. **Regarding dependent claims 13-14**, Jiang discloses a device aware Internet portal that maintains data sources of interface objects, where the portal, upon receiving a request for information, will identify and retrieve an interface, retrieve data associated with the request, reformat the data for use by the interface, and deliver the reformatted data. Jiang further discloses distributed processing. Jiang recites: *"Internally, the WPM preferably utilizes distributed processing and employs a plurality of servers"* (column 8, lines 40-41). Jiang fails to explicitly disclose the application operating on the client (claim 13) where the client is a user device (claim 14). Himmel teaches the use of a program application on a client device. Himmel recites: *"The snooping operation can be performed remotely or can be performed by a snooping agent downloaded from a web server"* (column 2, lines 44-46).

Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made to operate the application of Jiang on a client

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device as taught by Himmel in order to "to support a multitude of different client devices for an Internet application" (Himmel, column 2, lines 14-16).

29. **Regarding dependent claim 15**, Jiang discloses the application operating on a server in Figure 7 at reference sign 732 (shown as "*PMS*").

30. **Regarding dependent claims 19-21**, the claims are directed toward a system of the method of claims 13-15, respectively, and are rejected using the same rationale.

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**Conclusion**

31. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent/Publication</u>	<u>Date</u>	<u>Inventor</u>
• US-6,412,008	06-2002	Fields et al.
• US-6,438,576	08-2002	Huang et al.
• US-6,556,217	04-2003	Makipaa et al.
• US-6,563,800	05-2003	Salo et al.
• US-6,610,105	08-2003	Martin et al.
• US-6,654,814	11-2003	Britton et al.
• US-6,822,663	11-2004	Wang et al.
• US-6,826,597	11-2004	Lonnroth et al.
• US-2001/0009016	07-2001	Hofmann et al.
• US-2001/0034771	10-2001	Hutsch et al.
• US-2001/0052910	12-2001	Parekh et al.
• US-2002/0035579	03-2002	Wang et al.
• US-2002/0059367	05-2002	Romero et al.
• US-2002/0062325	05-2002	Berger et al.
• US-2002/0095445	07-2002	alSafadi et al.
• US-2002/0099829	07-2002	Richards et al.
• US-2002/0102965	08-2002	Mandahl et al.
• US-2002/0103908	08-2002	Rouse et al.
• US-2002/0152244	10-2002	Dean et al.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
January 25, 2005

  
**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**